



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Re: Appeal to the Board of Patent Appeals and Interferences

In re PATENT application of  
GRESS et al.

Application No. 09/633,899

Filed: August 7, 2000

Title: Unified Messaging Feature That Plays Greeting  
Based on The Received Calling Party Number

Group Art Unit: 2151

Examiner: Dinh, K.

Docket No. 95-445

Date: March 17, 2008

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

- 1 ☐ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated April 9, 2007 of the Examiner twice/finally rejecting claims 1-38
- 2 ☐ **BRIEF** on appeal in this application attached in triplicate.
- 3 ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer -- unextendable).
- 4 ☒ Reply Brief is attached (due two months after Examiner's Answer -- unextendable).

<b>5. FEE CALCULATION:</b>		<b>Large/Small Entity</b>	
If box 1 above is X'd, see box 12 below <u>first</u> and decide: ..... enter		\$510/255*	\$ 0
If box 2 above is X'd, see box 12 below <u>first</u> and decide: ..... enter		\$510/255*	\$
If box 3 above is X'd, see box 12 below <u>first</u> and decide: ..... enter		\$1030/515*	\$
If box 4 above is X'd, ..... enter nothing		- 0 - (no fee)	
<b>6. Original due date: November 26 , 2007</b>			
7. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$120/\$60 (2 mos) \$460/\$230 (3 mos) \$1050/\$525 (4 mos) \$1640/\$820	+
8. Enter any previous extension fee paid [ ] previously since above <u>original</u> due date (item 6); [ ] with concurrently filed amendment .....		-	
9. Subtract line 8 from line 7 and enter: Total Extension Fee			0
10. TOTAL FEE ATTACHED =			\$0

11. ☐ \*Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order No. 50-1130 / 95-445 for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

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Docket No.: 95-445

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: GRESS et al.

Examiner: Dinh, K.

Application No.: 09/633,899

Group Art Unit: 2155

Filed: August 7, 2000

For: Unified Messaging Feature That Plays Greetings  
Based On The Received Calling Party Number

Date: March 17, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

Appellants submit this Reply Brief to the Examiner's Answer mailed January 25, 2008 with regard to the Appeal from the rejection of claims 1-38 of the above-identified application.

### **RESPONSE TO EXAMINER'S ANSWER**

The Examiner maintains the rejection of claims 1-38 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement.

In part A of the Examiner's Answer, the Examiner stated that the specification describes "only a generic message and a personalized message". The Examiner then states that the claims contain subject matter, the term "non generic voice message", which is not described in the specification. Appellants submit that the Examiner's statement that the claims recite a "non generic voice message" is not accurate. The claims recite a "personalized, non generic voice message" and this term is defined in the specification at page 11, lines 4-19. The "personalized greeting 300" is clearly different from "generic message 310" (see Fig. 5. and Fig. 4, steps 210, 212). Thus, the term "non generic" further defines the term "personalized" in the claims. Since the specification defines the personalized voice message as something other than a generic voice message (see, for example, the specification at page 11, lines 12-19), one of ordinary skill in the art would appreciate that the personalized message is "non generic" and that the inventor, at the time the application was filed, had possession of the claimed invention. The claims were amended to further define the personalized voice message as being non-generic to distinguish from the Albal et al. generic pre-recorded voice message to all callers. Thus, the rejection is improper and the Examiner should be reversed.

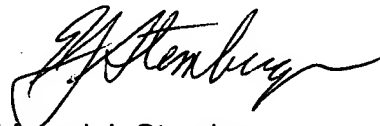
In part B of the Examiner's Answer, the Examiner contends that Albal et al. disclose "retrieving a personalized, non generic voice message having a recorded voice of the called party" and cites paragraphs [0031] to [0033] of Albal et al. Appellants submit that there is no disclosure in Albal et al. of retrieving a personalized, non generic voice message having a recorded voice of the called party. As noted in the Brief page 6, lines 7-12, Albal et al. discloses at paragraphs [0031] to [0033] that "the subscriber may instruct the communication node to play a pre-recorded message or announcement" and that "the node notifies the caller that the subscriber is unavailable and/or routes the call to voicemail". Thus, Albal et al. merely disclose the conventional

voicemail messaging system employing a generic voice message to all callers if the subscriber does not want to answer a call or is unavailable. There is no disclosing in Albal et al. that the pre-recorded message corresponds to the matched stored called party information as claimed. In Albal et al., once the subscriber has the caller's information, **there is no further correspondence of this information, and thus there is no correspondence with a personalized voice message.** In fact, Albal provides no reference to the term "personalized".

The Examiner also contends that Albal discloses providing a "personal and recorded greeting specified only to the user... such as 'this is your personal agent, Maya. Welcome Bob. How may I help you?'" As noted in the Brief at page 7, lines 2-8, Albal et al. disclose at paragraphs [0047] and [0048] that the greeting for the user is from "a personal agent" using "various dialog voice personalities (i.e., female voice, a male voice, etc)". Appellants submit that the voice of "Maya" is thus not a recorded voice of a called party as claimed, but is a simulated voice produced by a machine.

For the reasons set forth above and in the Brief, it is clear that Appellant's claims 1-38 are in full compliance with 35 U.S.C. 112 and are patentable over the references applied. Accordingly the appealed claims 1-38 should be deemed patentable over the applied references. It is respectfully requested that this appeal be granted and that the Examiner's rejections be reversed.

Respectfully submitted,



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